

thousand three hundred feet east of and parallel to the west line of section 30 (section line in South Western Avenue), township 39 north, range 13 east, third principal meridian, in the city of Chicago, Illinois, as the same now exists or may hereafter be extended, is hereby declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States.

The right to alter, amend, or repeal this section is hereby expressly reserved.

Reservation of right to amend.

SEC. 11. That the Secretary of War is authorized to grant permission, on such terms as he may deem reasonable, to the City of Cascade Locks, Oregon, to make connection with the Government-owned water main at Cascade Locks and take water therefrom for use for fire-protection purposes only.

Cascade Locks water main; connection with, authorized.

SEC. 12. That the pier constructed along the west coast of Lake Huron, Michigan, at Greenbush, Michigan, by Carl E. Schmidt, of Oscoda, Michigan, be, and the same is hereby, legalized to the same extent and with like effect as to all existing or future laws and regulations of the United States as if the permit required by the existing laws of the United States in such cases made and provided had been regularly obtained prior to the construction of said pier.

Pier along Lake Huron, at Greenbush, Mich., legalized.

That the right to alter, amend, or repeal this section is hereby expressly reserved.

Reservation of right to amend.

SEC. 13. That the Court of Claims shall have jurisdiction to hear and determine claims for damages to oyster growers upon private or leased lands or bottoms arising from dredging operations and use of other machinery and equipment in making such improvements: *Provided*, That suits shall be instituted within one year after such operations shall have terminated.

Oyster growers; claims of.

*Proviso.*  
Limitation.

SEC. 14. That the Secretary of War is authorized and directed to have prepared and transmitted to Congress at the earliest practical date after January 3, 1936, a compilation of preliminary examinations, surveys, and appropriations for works of river and harbor improvement similar in general form and subject matter to that which was prepared in accordance with the Act of March 4, 1913, and printed in House Document Numbered 1491, Sixty-third Congress, third session: *Provided*, That the report to be prepared in accordance with this provision shall be a revised edition of the report printed in the document above mentioned, extended to January 1, 1936.

Report to Congress.

Vol. 37, p. 801.

*Proviso.*  
Requirement.

Approved, August 30, 1935.

## [CHAPTER 832.]

### AN ACT

Authorizing the Chippewa Indians of Wisconsin to submit claims to the Court of Claims.

August 30, 1935.  
[H. R. 6869.]  
[Public, No. 410.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all claims of whatsoever nature which the Chippewa Tribe or Bands of Indians of Wisconsin may have against the United States, which have not heretofore been determined by the Court of Claims or the Supreme Court of the United States, may be submitted to the Court of Claims with the right of appeal to the Supreme Court of the United States by either party, anything in the Judicial Code of the United States or amendments thereto to the contrary notwithstanding, for determination of the amount, if any, due said Indians from the United States under any treaties, agreements, or laws of Congress, or for the misappropriation or waste of any of the funds or lands of said Indians or band or bands thereof, or for the failure of the United

Chippewa Indians of Wisconsin.  
Claims of, may be submitted to Court of Claims.

Right of appeal.  
U. S. C., p. 1268.

States to pay said Indians any money or other property due; and jurisdiction is hereby conferred upon the Court of Claims, with the said right of either party to appeal, to hear and determine all legal and equitable claims, if any, of said Indians against the United States, and to enter judgment thereon.

Rights, both legal and equitable, to be settled.

Offsets allowed.

Suits may be joined or presented separately.

Evidence.

Access to official records.

Attorneys' fees, etc., by court decree.

Contract requirement.

Proviso.  
State attorneys.

No pay allowed when compensated by State.

Maximum allowance.

SEC. 2. If any claim or claims be submitted to said courts they shall settle the rights therein, both legal and equitable, of each and all of the parties thereto, notwithstanding lapse of time or statutes of limitations, and any payment which may have been made upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as an offset in such suits or actions, and the United States shall be allowed credit for all sums heretofore paid or expended for the benefit of said Indians or any band thereof, including gratuities, and that laches shall not be pleaded as a defense thereto. The claim or claims of the Chippewa Indians of Wisconsin or band or bands thereof may be presented separately or jointly by petition, subject however, to amendment, suit to be filed within five years after the passage of this Act; and such action shall make the petitioner or petitioners party plaintiff or plaintiffs and the United States party defendant, and any band or bands of said Indians or any other Indians or band of Indians the court may deem necessary to a final determination of such suit or suits may be joined therein as the court may order. Such petition, which shall be signed by the attorney or attorneys employed by said Indians or any bands thereof, or by the State of Wisconsin in their behalf, shall set forth all the facts on which the claims for recovery are based and said petition shall be signed by the attorney or attorneys so employed, and no other verification shall be necessary. Official letters, papers, documents, and public records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give to the attorney or attorneys of said Indians or bands thereof access to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys for said tribe or bands of Indians.

SEC. 3. Upon final determination of such suit, cause, or action, the Court of Claims shall decree such fees and necessary expenses as it shall find reasonable and proper to be paid the attorney or attorneys employed therein by said tribe or bands of Indians under contracts negotiated and approved as provided by existing law, and in no case shall the fee decreed by said Court of Claims be in excess of the amounts stipulated in the contracts approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and no attorney shall have a right to represent the said Indians or any band thereof in any suit, cause, or action under the provisions of this Act until said contract shall have been so approved: *Provided*, That any attorney appearing for said Indians under any law of the State of Wisconsin authorizing him to prosecute such claims against the Federal Government shall not be required to file a contract of employment, and no compensation shall be allowed such attorney where he is so compensated by the State. The State shall be allowed out of any judgment recovered such necessary and proper expenses as the court may find to have been incurred by the attorney so employed. The fees decreed by the court to the attorney or attorneys of record, except such as shall be employed by the State, shall be paid out of any sum or sums recovered in such suits or actions, and no part of such fees shall be taken from any money in the Treasury of the United States belonging to such tribe or bands of Indians in whose behalf the suit is brought: *Provided further*, That in no case shall the fees decreed by said court amount to more than 5 per centum of the amount of the judgment recovered in such cause, to be paid only to contract attorneys, if

employed. Should an attorney be employed by the State to assist in the prosecution of any suit filed hereunder the court shall determine the value of his services on a quantum meruit basis and such amount shall be withheld from the said 10 per centum and become available to said Indians as a part of said judgment.

SEC. 4. The net amount of any judgment recovered shall be placed in the Treasury of the United States to the credit of said Indians, and shall draw interest at the rate of 4 per centum per annum and shall be thereafter subject to appropriation by Congress for educational, health, industrial, and other purposes for the benefit of said Indians, including the purchase of lands and building of homes, and no part of said judgment shall be paid out in per capita payments to said Indians: *Provided*, That in making an award under this Act all gratuities paid said Indian tribe by the United States Government shall be offset against any judgment or award made to them.

Award to be placed to credit of Indians, at interest.

Use of.

*Proviso.* Gratuities to Indians to be offsets.

Approved, August 30, 1935.

[CHAPTER 833.]

AN ACT

To authorize the construction of certain bridges and to extend the times for commencing and/or completing the construction of other bridges over the navigable waters of the United States, and for other purposes.

August 30, 1935.  
[H. R. 9070.]

[Public, No. 411.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Bridge construction, etc.

MISSISSIPPI RIVER AT SAINT LOUIS, MISSOURI

Mississippi River at Saint Louis, Mo.

SECTION 1. That the Act entitled "An Act authorizing H. C. Brenner Realty and Finance Corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near a point between Cherokee and Osage Streets, Saint Louis, Missouri", approved on February 13, 1931, be, and the same is hereby, revived and reenacted: *Provided*, That the construction herein authorized be commenced within one year and completed within three years from the date of the approval of this Act.

Time extended.  
Vol. 46, p. 1095.

*Proviso.* Time limitation.

DELAWARE RIVER BETWEEN EASTON, PENNSYLVANIA, AND PHILLIPSBURG, NEW JERSEY

Delaware River between Easton, Pa., and Phillipsburg, N. J.

SEC. 2. (a) That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, the Delaware River Joint Toll Bridge Commission of the State of Pennsylvania and the State of New Jersey, be and is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Delaware River, at a point suitable to the interests of navigation, at or near Easton, Pennsylvania, and Phillipsburg, New Jersey, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Construction.  
Vol. 34, p. 84; U. S. C., p. 1474.

(b) There is hereby conferred upon the Delaware River Joint Toll Bridge Commission of the State of Pennsylvania and the State of New Jersey all such rights and powers to enter upon the lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State,

Acquisition of approaches, etc.